IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

MONDAY, THE 1ST OCTOBER 2007 / 9TH ASWINA 1929

Bail Appl..No. 5886 of 2007()

CRIME NO.97/2007 OF ARYANAD EXCISE RANGE

PETITIONER/ACCUSED:

SURESH KUMAR, S/O. BABU,
SURESH BHAVAN, BOUNDERMUKKU, KOTTAKKAKAM MURI,
ARYANAD VILLAGE.

BY ADV. SRI.T.A.UNNIKRISHNAN

RESPONDENTS: COMPLAINANT:

STATE OF KERALA,
REPRESENTED BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR ADV.SRI.S.U.NAZER

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 01/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J

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B.A.No. 5886 of 2007

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Dated this the 1st day of October, 2007

ORDER

Application for regular bail. The petitioner is the 1st accused .Allegations are raised under the provisions of the Kerala Abkari Act. The petitioner was allegedly engaged along with co-accused in the attempt of transport of 105 litres of arrack in an auto rickshaw on 25.08.2007. The petitioner was arrested and he continues in custody from that date. The learned Public Prosecutor submits that there is no history of any criminal antecedents for the petitioner.

2. The learned counsel for the petitioner prays, the learned Public Prosecutor does not oppose the said prayer on condition that the Investigator is granted further reasonable time to complete the investigation and I am satisfied that the petitioner, can now be directed to be enlarged on bail subject to appropriate conditions.

3. In the result, this application is allowed. The petitioner shall be released on bail on the following terms and conditions.

i) The petitioner shall not be released on bail on the strength of this order prior to 8.10.07.The Investigating officer shall, in the meantime, make every endeavour to complete the investigation.

ii) The petitioner shall execute a bond for Rs.1,00,000/- (Rupees one lakh only) with two solvent sureties each for the like sum to the satisfaction of the learned Magistrate;

iii) The petitioner shall make himself available for interrogation before the Investigating Officer between 10 a.m and 12 noon on all Mondays and Fridays for a period of three months and thereafter as and when directed by the Investigating Officer in writing to do so.

(R.BASANT, JUDGE)

sj